

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

MARY MARCELLA PITTS,

Plaintiff,

v.

**THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA,**

Defendant.

Docket No. _____

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 *et seq.*, the defendant, The Prudential Insurance Company of America, states as follows:

1. The defendant is the respondent in an action styled “Mary Marcella Pitts v. Prudential Insurance Company of America,” Case No. 13531-07, which was filed in the Chancery Court for Lawrenceburg County, Tennessee on August 23, 2007. Copies of the summons and complaint filed in said action are attached hereto and made a part hereof by reference as collective Exhibit 1 and constitute all process, pleadings and orders served upon the defendant in such action.

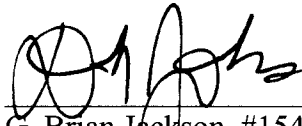
2. The summons and complaint have been served upon the defendant.

3. The subject matter of this suit is a certain contract of insurance which was issued to the plaintiff’s deceased ex-husband through his employer upon which plaintiff claims benefits. Accordingly, this action is governed by the provisions of the Employee Retirement Income Security Act, 29 U.S.C. §§ 1101, *et seq.* (“ERISA”). Therefore, the United States District Courts would have had original subject matter jurisdiction under 28 U.S.C. § 1331, 29 U.S.C. § 1132(e)(1) and 29 U.S.C. § 1132(f).

4243006_1.DOC

WHEREFORE, the defendant respectfully prays that the above-entitled action now pending against it in the Chancery Court for Lawrenceburg County, Tennessee be removed to the United States District Court for the Middle District of Tennessee.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'DL Johnson', is written over a horizontal line.

G. Brian Jackson, #15497
David L. Johnson, #18732
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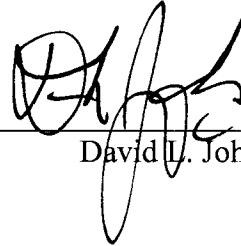
Attorneys for the Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been sent by U.S. Mail, postage prepaid, to:

J. Christopher Williams
225 Mahr Avenue
P.O. Box 399
Lawrenceburg, TN 38464

this 23rd day of October, 2007.

A handwritten signature in black ink, appearing to read 'D. Johnson', is written over a horizontal line.

David L. Johnson